

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ALVIN TOPOL,

Plaintiff,

-against-

OCEAN FROST CORP. and CARLOS  
CARANGUIMINCHALA,

Defendants.

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**Case No: 07 CV 3609**

**JUDGE KOELTL**

**COMBINED  
DEMANDS**

S I R S :

**PLEASE TAKE NOTICE**, that the undersigned hereby makes the following demands upon you to be produced at the office of Bruce A. Lawrence, Esq., 15 Metrotech Center, 19<sup>th</sup> Floor, Brooklyn, New York 11201-3818 on the 10th day of August, 2007 at 10:00 A.M. in the forenoon of that day:

- (X) Demand for Discovery and Inspection of Medical Information and Authorizations;
- (X) Demand for Discovery and Inspection of Names and Addresses of Witnesses;
- (X) Demand for Discovery and Inspection of Photographs
- (X) Demand for Discovery and Inspection of Income Tax Returns
- (X) Demand for Discovery and Inspection of Accident Reports;
- ( ) Demand for Discovery and Inspection of Contracts, Leases and Other Documents;
- ( ) Demand for Discovery and Inspection of Pleadings;

- ☐ Demand for Discovery and Inspection of Depositions;
- ☒ Demand Pursuant to FRCP
- ☐ Demand for Authorization to Discover and Inspect Plaintiff(s) Worker's Compensation File;
- ☐ Demand for Authorization to Discover and Inspect Plaintiff(s) Employment Records;
- ☐ Demand for Authorization to Discover and Inspect Plaintiff(s) No-Fault File;
- ☒ Demand for Discovery and Inspection of Aided Reports;
- ☐ Demand for Discovery and Inspection of Employer.
- ☒ Demand for Discovery and Inspection of Statement of a Party Represented by the Undersigned
- ☐ Documentation of Damage;
- ☐ Demand for Discovery and Inspection of Attorney's Names;
- ☐ Demand for Discovery and Inspection of Insurance Coverage;
- ☒ Demand for Experts;
- ☐ Demand for Index Number;
- ☒ Notice of Intent for Physical

**PLEASE TAKE FURTHER NOTICE** that, in lieu of producing the items demanded hereinabove, you may submit to the undersigned true and correct copies of the said items at any time prior to the aforesaid date.

Dated: Brooklyn, New York  
July 11, 2007

Yours, etc.

**BRUCE A. LAWRENCE, ESQ.**

Attorney for Defendants

**OCEAN FROST CORP. and**

**CARLOS CARANGUIMINCHALA**

By \_\_\_\_\_

ERIC A. SCHNITTMAN (6692)

15 MetroTech Center, 19th Floor

Brooklyn, NY 11201-3818

(718) 625-8940

Our File #: 07-0290

Claim No.: 0AA20749003

**TO: BARON & PAGLIUGHI**

Attorneys for Plaintiff

85 Main Street, Suite A

Cold Spring Harbor, NY 11724

(631) 367-7000

**DEMAND FOR DISCOVERY AND INSPECTION  
FOR MEDICAL INFORMATION AND AUTHORIZATIONS**

**PLEASE TAKE NOTICE**, that pursuant to FRCP, the plaintiff herein is required to produce and allow discovery to be made by the defendant herein, of the following:

- a) Copies of all the medical reports of those physicians who have previously treated or examined the party seeking recovery, and who will testify in their behalf. These shall include but not be limited to a detailed recital of the injuries and conditions as to which testimony will be offered at the time of trial, referring to and identifying those x-rays and technicians' reports which shall be offered at the trial of this action.
- b) Duly executed and acknowledged written HIPAA compliant authorizations permitting all parties to obtain and make copies of all hospital records, and such other records including x-rays and technicians' reports as may be referred to and identified in the statement of the examined party's physicians.
- c) Any and all other medical data not hereinabove specifically referred to upon which the plaintiff will rely or offer for consideration in the proceeding.
- d) The name and address of each and every party who has been consulted by the plaintiff concerning injuries sustained as a result of the occurrence referred to in the complaint or who has rendered any treatment of any kind or nature to the plaintiff(s).
- e) Any and all bills, invoices or receipts for treatment given to the plaintiff(s) for injuries or other physical conditions resulting from the occurrence referred to in the complaint.

**DEMAND FOR THE NAMES AND ADDRESSES OF WITNESSES**

**PLEASE TAKE NOTICE**, that the undersigned hereby demands, that you set forth in writing and under oath, the name and address of each person claimed by any party you represent, to be a witness to any of the following:

- (a) The occurrence alleged in the complaint;
- (b) Firsthand knowledge of the facts and circumstances regarding this occurrence;
- (c) Any acts, omissions or conditions which allegedly caused the occurrence alleged in the complaint;

(d)Any actual notice allegedly given to the defendant or any employee(s) or agent(s) of the defendant of any condition which allegedly caused the occurrence alleged in the complaint;

(e)The nature and duration of any alleged condition which allegedly caused the occurrence alleged in the complaint;

(f)Any admissions of the defendant or her agent(s) or employee(s). If no such witnesses are known to plaintiff, so state in the sworn reply to this Demand. The undersigned will object upon trial to the testimony of any witnesses not so identified.

#### **DEMAND FOR DISCOVERY AND INSPECTION OF PHOTOGRAPHS**

**PLEASE TAKE NOTICE**, that the undersigned demands on behalf of each and every party represented by it in this action, that pursuant to FRCP you produce at the time and place herein specified and permit the undersigned to discover, inspect and copy any and all photographs taken of the alleged scene or place of the occurrence complained of which are now in your possession, custody and control, or in the possession, custody and control of any party you represent in this action, if such photographs in any manner bear upon the issues in this action.

#### **DEMAND FOR DISCOVERY AND INSPECTION OF INCOME TAX RETURNS**

**PLEASE TAKE NOTICE**, that the plaintiff is hereby required to produce for discovery, inspection and copying pursuant to FRCP, Federal and State income tax returns for the year of loss and two years prior and one year subsequent.

#### **DEMAND FOR DISCOVERY AND INSPECTION OF ACCIDENT REPORTS**

**PLEASE TAKE NOTICE**, that the undersigned demands pursuant to FRCP that you produce and allow the defendant to inspect any written report concerning the accident which is the subject matter of this lawsuit prepared in the regular course of business operations or practices of any person, firm, corporation, association or other public or private entity.

**DEMAND PURSUANT TO FRCP**

**PLEASE TAKE NOTICE**, that demand is hereby made upon the attorneys for the plaintiff(s) that they serve upon the undersigned a statement as to whether any part of the cost of medical care, custodial care, rehabilitation services, loss of earnings, or other economic loss sought to be recovered herein was replaced or indemnified, in whole or in part, from any collateral source such as insurance, social security (except those benefits provided under Title 18 of the Social Security Act), Workers' Compensation, or employee benefit programs and, if so, the full name and address of each organization or program providing such replacement or indemnification, together with an itemized statement of the amount in which each such claimed item of economic loss was replaced or indemnified by each such organization or program.

Demand is additionally made for duly executed and properly addressed original authorizations permitting the undersigned to inspect and copy any records reflecting any collateral source or payment identified in response to the foregoing demand.

**DEMAND FOR DISCOVERY AND INSPECTION OF AIDED REPORTS**

**PLEASE TAKE NOTICE**, that the undersigned demands pursuant to FRCP that you produce and allow the defendants to inspect any Aided Report prepared concerning the accident which is the subject matter of this lawsuit.

**DEMAND FOR THE DISCOVERY AND INSPECTION OF ANY  
STATEMENT OF A PARTY REPRESENTED BY THE UNDERSIGNED**

**PLEASE TAKE NOTICE**, that the undersigned demands on behalf of each party represented by him in this action, that pursuant to FRCP, you produce at the time and place herein specified, and permit the undersigned to discover, inspect and copy each and every statement made by or taken from each such party and/or her agents, servants or employees now in your possession, custody or control or in the possession, custody or control of any party you represent in this action, if such statements in any manner bears on the issue in this action.

**DEMAND FOR DISCOVERY AND INSPECTION OF ATTORNEYS' NAMES**

**PLEASE TAKE NOTICE** that the undersigned demands that you produce the names, addresses and telephone numbers of each attorney other than the undersigned who have appeared in the within action.

**DEMAND FOR EXPERTS**

**PLEASE TAKE NOTICE**, that the defendants demand pursuant to FRCP, that you identify each person who it is anticipated you intend to call as an expert witness at trial and disclose in reasonable detail the subject matter on which each expert is expected to testify, the substance of facts and opinions on which each expert is expected to testify, the qualifications of each expert witness and summary of the grounds for each expert's opinion.

**PLEASE TAKE FURTHER NOTICE**, that this is a continuing demand and that said demand continues until the time of trial.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

---

ALVIN TOPOL,

Plaintiff,

-against-

OCEAN FROST CORP. and CARLOS  
CARANGUIMINCHALA,

Defendants.

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Case No.: 07 CV 3609

**JUDGE KOELTL**

**NOTICE OF INTENT TO  
CONDUCT A  
PHYSICAL/MENTAL  
EXAMINATION**

S I R S:

**PLEASE TAKE NOTICE** that pursuant to FRCP, the undersigned party to the within action intend to conduct physical and/or psychological examinations of the allegedly injured plaintiff for each and every physical and mental condition at issue herein; said examinations will be conducted by physicians chosen by the undersigned party at said physicians' offices on dates mutually agreeable to the parties hereto, prior to the above-captioned action being placed on the trial calendar of the Court.

**PLEASE TAKE FURTHER NOTICE**, that the undersigned party hereby objects to this action being placed on the trial calendar of the Court prior to the completion of all applicable physical and psychological examinations of the allegedly injured plaintiff, absent an explicit waiver of the right to the same.

Dated: Brooklyn, New York  
July 10, 2007

Yours, etc.

**BRUCE A. LAWRENCE, ESQ.**  
Attorney for Defendants  
**OCEAN FROST CORP. and  
CARLOS CARANGUIMINCHALA**  
15 MetroTech Center, 19th Floor  
Brooklyn, NY 11201-3818  
(718) 625-8940  
Our File #: 07-0290  
Claim No.: 0AA20749003



**TO: BARON & PAGLIUGHI**  
Attorneys for Plaintiff  
85 Main Street, Suite A  
Cold Spring Harbor, NY 11724  
(631) 367-7000